

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)

CRIMINAL NUMBER: 17-412

VS.)

JOSE R. FLORES)

MOTION TO WITHDRAW GUILTY PLEA

COMES NOW the defendant, JOSE R. FLORES, in Propria persona, who respectfully motions this Honorable Court, Pursuant to Fed. R. Crim. 11 (d)(2)(B), to grant defendant the withdrawal of his Guilty Plea. In support thereof, Defendant submits as follows:

1.) On December 6, 2018 Defendant appeared before this court, wherein he was represented by his Court appointed counsel, GAVIN P. HOLIHAN, ESQUIRE.

2.) During said, December 6, 2018, Appearance, At The Strong suggestion OF his counsel, Defendant entered into a Guilty plea Agreement, which this Court Accepted.

3.) Defendant was permitted no more than thirty (30) minutes in order to read the "Governments Plea Memorandum" and "GUILTY PLEA AGREEMENT", ON December 6, 2018, Prior to entering into Said agreement before the Court.

4.) That Defendant signed, and accepted, the Plea Agreement herein based upon his court Appointed Counsel's Urgings, and said counsel's insinuation that acceptance of the Plea Agreement was Defendant's only hopes IN EVER SEEING Freedom again.

5.) Since Defendant Appeared before this Court on December 6, 2018 Defendant has had the opportunity to research (through the assistance of an inmate housed in the same Jail as Defendant) Many of Defense Counsel's claims in reference to Defendant's Case and Sentencing possibilities.

6.) Additionally, Defendant has had the opportunity to write to Defense counsel to ASCERTAIN THE TRUTH and VALIDITY OF Some of said Defense Counsel's statements that specifically resulted in Defendant Accepting The plea Agreement.

7.) Based upon Defense Counsel's responses to Defendant, as well as said Counsel's statements to Defendant's family member Since December 6, 2018, Defendant Fully Believes that he was Deliberately Misled and Lied to by Defense counsel IN order to INDUCE him into entering into A Plea OF GUILTY.

8.) That in addition to Defense Counsel's Deliberate Misrepresentation of Possible Sentence Ranges, Defense Counsel Also Deliberately Misled Defendant in reference to A SEARCH WARRANT (which Counsel first claimed did NOT exist, and even presented defendant with a "Motion to Suppress" that stated no search warrant existed). Initially, Counsel advised Defendant no search warrant existed, However, in order to induce Defendant into pleading guilty, Counsel then claimed that the search warrant did exist.

9.) That Based upon counsel's continuously conflicting comments, inaccurate statements as to sentencing possibilities, OUTRIGHT Hostility towards Defendant and Defendant's Family, And Defense Counsel's complete DIS-INTEREST in representing Defendant in this case, (as stated by said counsel), Defendant has lost All faith in said Counsel's Ability to represent him in these matters.

10.) Defendant Asserts his innocence in this case and asserts that were it not for Defense Counsel's Misleading and

deliberately inaccurate statements to Defendant and Defendant's family, Defendant would NOT have Accepted the plea agreement.

WHEREFORE, Based upon the Foregoing reasons, Defendant Requests THAT he be permitted to withdraw his plea OF GUILT, FOR FAIR AND JUST Reasons, Pursuant to Fed. R. Crim 11(d)(2)(B). Additionally, Defendant requests Appointment OF New Counsel To represent him in these proceedings.

DATED: Feb 1, 2019

BY:

Jose Flores

JOSE R. FLORES
DEFENDANT, Pro-se
#192835

Lehigh County Jail
38 N. 4th St.

Allentown, PA

+8102